

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

FILED

SEP 05 2017

Clerk, U S District Court
District Of Montana
Missoula

BRIAN JOHN GILLESPIE,

CV 17-60-M-DLC-JCL

Plaintiff,

vs.

ORDER

LINCOLN COUNTY SHERIFF'S
OFFICE; LINCOLN COUNTY
MONTANA; LINCOLN COUNTY
DEPUTY SHERIFF JOHN DOE,

Defendants.

United States Magistrate Judge Jeremiah C. Lynch entered his Findings and Recommendations on July 26, 2017, recommending dismissal of this case.


Plaintiff Brian John Gillespie ("Gillespie") has failed to timely object to the Findings and Recommendations, and, as a result, has waived his right to de novo review of the record. 28 U.S.C. § 636(b)(1)(C). This Court reviews for clear error those findings and recommendations to which no party objects. *See McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted).

Having reviewed the Findings and Recommendations, the Court finds no clear error in Judge Lynch's conclusion that Gillespie's Complaint should be dismissed. As discussed in Judge Lynch's Order dated July 26, 2017, Gillespie failed to notify the Court of a change in address. On May 5, 2017, the Court mailed the Notice of Case Opening to the address listed in the Complaint. On May 15, 2017, it was returned as undeliverable. Pursuant to Rule 5.2 of the Local Rules for the District of Montana, Gillespie had 60-days following a return communication to inform the Court of any change of address. (Doc. 7.) Gillespie failed to notify the Court of any change of address within the 60-day period.

Accordingly, there being no clear error in Judge Lynch's Findings and Recommendations,

IT IS ORDERED that Judge Lynch's Findings and Recommendation (Doc. 7) is ADOPTED IN FULL. This action is DISMISSED WITHOUT PREJUDICE pursuant to L.R. 5.2(b).

Dated this 5th day of September, 2017.



Dana L. Christensen, Chief Judge
United States District Court